

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

KEVIN C. BRATHWAITE,	)	
	)	
Petitioner,	)	
	)	
v.	)	C.A.No. 06-472-GMS
	)	
THOMAS L. CARROLL,	)	
	)	
Respondent.	)	

**MOTION FOR EXTENSION OF TIME TO FILE ANSWER**

1. The petitioner, Kevin Brathwaite, has applied for federal habeas relief challenging the validity of his convictions. (D.I. 1).
2. By the terms of the Court's order, the respondent is directed to answer the petition and attach to the answer certified copies of the state court records material to the questions raised in the petitioner's writ. (D.I. 8)
3. The undersigned has recently experienced an unanticipated seasonal illness that has resulted in his absence from the office. An answer has been started, but will not be completed by December 22, 2006. This is Respondent's second request for an extension of time.

4. Respondent submits that an extension of time to and including January 19, 2007 in which to complete the answer in this case is reasonable.

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/

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Gregory E. Smith, I.D. No. 3869  
Deputy Attorney General  
820 North French Street, 6<sup>th</sup> Floor  
Carvel State Building  
Wilmington, Delaware 19801  
(302) 577-8398

Dated: December 21, 2006

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

KEVIN C. BRATHWAITE,	)	
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Petitioner,	)	
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v.	)	C.A.No. 06-472-GMS
	)	
THOMAS L. CARROLL,	)	
	)	
Respondent.	)	

STATEMENT OF COUNSEL PURSUANT TO LOCAL RULE 7.1.1

COMES NOW, Deputy Attorney General Gregory E. Smith, Counsel for Respondent, and pursuant to D. Del. LR 7.1.1 does hereby make the following statement:

1. The undersigned has not corresponded or attempted to contact Petitioner as he is incarcerated, but anticipates that the instant Motion is opposed.

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/ \_\_\_\_\_  
Gregory E. Smith, I.D. No. 3869  
Deputy Attorney General  
820 North French Street, 7<sup>th</sup> Floor  
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	)	
THOMAS L. CARROLL,	)	
	)	
Respondent.	)	

**ORDER**

Whereas, Respondent Thomas Carroll has requested an extension of time in which to answer Brathwaite's petition for writ of habeas corpus and has presented reasonable cause for the request;

IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, that Respondent's answer shall be due on or before January 19, 2007.

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Gregory M. Sleet  
United States District Judge

### **CERTIFICATION OF SERVICE**

The undersigned certifies that on December 21, 2006, he electronically filed the attached *Motion for Extension of Time* with the Clerk of Court using CM/ECF. The undersigned further certifies that on December 21, 2006 that he mailed by United States Postal Service the document(s) to the following non-registered participant:

Kevin C. Brathwaite  
SBI No. 00315294  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, Delaware 19977

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/  
Gregory E. Smith, ID # 3869  
Deputy Attorney General  
820 North French Street, 6<sup>th</sup> Floor  
Carvel State Building  
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